

IAP6 Rec'd PCT/PTO 12 DEC 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

PLEINES et al.

SERIAL NO.: 10/582,696

FILED: 13 June 2006

TITLE: IMPROVED FERTILITY
RESTORATION FOR OGURA
CYTOPLASMIC MALE STERILE *BRASSICA*
AND METHOD

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO-1449 form.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner is authorized to charge any fee under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,



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Syngenta Biotechnology, Inc.
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Date:

12/8/06

FORM PTO-1449
(REV. 7-85)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
70279USPCT
APPLICATION NO.
10/582,696
APPLICANT
PLEINES et al.
FILING DATE
13 June 2006

Confirmation No.

Group Art Unit

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
/D.T./	A	US 2002/0032916 A1	03/14/2002	Charne et al.	800	278	12/19/1997
/D.T./	B	US 2002/0049998 A1	04/25/2002	Burns et al.	800	306	05/07/2001

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
/D.T./	C	WO 92/05281	04/02/1992	WIPO	C12N	15/11	<input type="checkbox"/>	<input type="checkbox"/>
/D.T./	D	WO 97/02737	01/30/1997	WIPO	A01H	1/04	<input type="checkbox"/>	<input type="checkbox"/>
/D.T./	E	WO 98/27806	07/02/1998	WIPO	A01H	5/10	<input type="checkbox"/>	<input type="checkbox"/>
/D.T./	F	WO 98/56948	12/17/1998	WIPO	C12Q	1/68	<input type="checkbox"/>	<input type="checkbox"/>
/D.T./	G	WO 03/006622 A3	01/23/2003	WIPO	C12N	5/04	<input type="checkbox"/>	<input type="checkbox"/>
/D.T./	H	WO 2004/018636 A3	03/04/2004	WIPO	A01H	1/02	<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

/D.T./	I	Ogura, H., "Studies on the New Male-Sterility in Japanese Radish, with Special Reference to the Utilization of this Sterility towards the Practical Raising of Hybrid Seeds," in: <i>Memoirs of the Faculty of Agriculture</i> , Kagoshima University, Kagoshima, Japan, February, 1968, Vol. VI, No. 2, pp. 39-78.
/D.T./	J	Pelletier, G. et al., "Molecular, Phenotypic and Genetic Characterization of Mitochondrial Recombinants in Rapeseed," Proc 7 th Int. Rapeseed Conf., Poznan, Poland, 1987, pp. 113-119.
/D.T./	K	Pellan-Delourme et al., "Cytoplasmic male sterility in rapeseed (<i>Brassica napus</i> L.): female fertility of restored rapeseed with "Ogura" and cybrids cytoplasm," <i>Genome</i> , Vol. 30, 1988, pp. 234-238.
/D.T./	L	Makaroff et al., "The <i>atp6</i> Coding Region Has Been Disrupted and a Novel Reading Frame Generated in the Mitochondrial Genome of Cytoplasmic Male-sterile Radish," <i>The Journal of Biological Chemistry</i> , Vol. 264, No. 20, 1989, pp. 11706-11713.
/D.T./	M	R. Delourme et al., "Radish Cytoplasmic Male Sterility in Rapeseed: Breeding Restorer Lines with a Good Female Fertility," Proc 7 th Int. Rapeseed Conf., Saskatoon, Canada, 1991, pp. 1506-1510.

EXAMINER	/David Thomas/	DATE CONSIDERED	05/10/2010
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*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

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(REV. 7-85)U.S. DEPARTMENT OF COMMERCE
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Group Art Unit

/D.T./	N	R. Delourme et al., "Identification of RAPD markers linked to a fertility restorer gene for the <i>Ogura</i> radish cytoplasmic male sterility of rapeseed (<i>Brassica napus</i> L.)," <i>Theor Appl Genet</i> , Vol. 88, 1994, pp. 741-748.
/D.T./	O	H.S. Janeja et al., "Identification of AFLP markers linked to fertility restorer genes for <i>tournefortii</i> cytoplasmic male-sterility system in <i>Brassica napus</i> ," <i>Theor Appl Genet</i> , Vol. 107, 2003, pp. 148-154.

EXAMINER /David Thomas/	DATE CONSIDERED 05/10/2010
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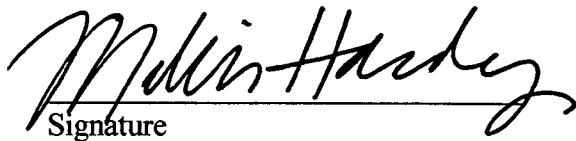
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I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2006.

- 1) Information Disclosure Statement (2 pages total)
- 2) FORM PTO-1449 (2 sheets)
- 3) References A-O
- 4) Return Postcard

Melissa Hardy

Name


Signature